

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert R. Epps
Debtor(s)

Bankruptcy Case No.: 16-24151-JAD
Issued Per July 6, 2017 Proceeding
Chapter: 13
Docket No.: 65 – 53, 60
Concil. Conf.: October 19, 2017 at 02:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 25, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,315 as of July 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Oct. 19, 2017 at 02:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Wilksburg School District at Claim No. 2; Wilksburg Borough real estate tax at Claim No. 3; Wilksburg Borough Municipal Service Fee at Claim No. 4 .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 no-look fee and \$1,000 loss mitigation program no-look fee, including any fees paid to prior counsel.
The estimated pool of funds available to be paid to general unsecured creditors and estimated percentage dividend are revised to \$5,753.51 (100 percent).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: July 10, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert R. Epps
 Debtor

Case No. 16-24151-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 20

Date Rcvd: Jul 10, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 12, 2017.

db +Robert R. Epps, 431 Cypress Hill Drive, Pittsburgh, PA 15235-2618
 cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +JPMorgan Chase Bank, National Association as servi, 3415 Vision Drive,
 Columbus, OH 43219-6009
 cr +Wilkinsburg School District and Borough of Wilkins, c/o Maiello Brungo & Maiello, LLP,
 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
 14330471 +Chase, Attn: Customer Service Research, Mail Code: OH4-7302, P.O. Box 24696,
 Columbus, OH 43224-0696
 14338369 CitiMortgage, Inc., P.O. Box 688971, Des Moines, IA 50368-8971
 14409248 Citibank, N.A., et al, c/o Select Portfolio Servicing, Inc., P.O. Box 65450,
 Salt Lake City UT 84165-0450
 14330472 Citimortgage, Inc., P.O. Box 6243, Sioux Falls, SD 57117-6243
 14358939 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14330473 County of Allegheny, c/o Goehring, Rutter & Boehm, 14th Floor, Frick Building,
 Pittsburgh, PA 15219
 14336564 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Motor Credit Company LLC, P.O. BOX 62180,
 COLORADO SPRINGS, CO 80962)
 14318173 +Jennifer L. Cerce, Esquire, c/o MBM Collections, LLC, Maiello, Brungo & Maiello,
 Foxpointe, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
 14370432 +MidFirst Bank, Bankruptcy Department, 999 NW Grand Boulevard, #110,
 Oklahoma City, OK 73118-6051
 14323455 +Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441
 14365622 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14318174 +Wilkinsburg Boro SD, 718 Wallace Avenue, Pittsburgh, PA 15221-2299
 14323840 +Wilkinsburg Borough, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441
 14323839 +Wilkinsburg School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14401641 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 11 2017 01:38:28
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838
 14352405 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM Jul 11 2017 01:36:50 Duquesne Light Company,
 c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C.,, 707 Grant St., Suite 2200, Gulf Tower,,
 Pittsburgh, PA 15219-1945

TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr CitiMortgage Inc.
 cr Citibank, N.A., et al c/o Select Portolfio Servi
 cr Duquesne Light Company
 cr Ford Motor Credit Company LLC
 cr MIDFIRST BANK
 cr* +Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828

TOTALS: 5, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 12, 2017

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 20

Date Rcvd: Jul 10, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 10, 2017 at the address(es) listed below:

Danielle Boyle-Ebersole on behalf of Creditor Citibank, N.A., et al c/o Select Portolfio Servicing, Inc. debersole@hoflawgroup.com, bbleming@hoflawgroup.com
James Warmbrodt on behalf of Creditor MIDFIRST BANK bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com, cnoroski@grblaw.com
Jennifer L. Cerce on behalf of Creditor Penn Hills School District jlc@mbm-law.net
Jennifer L. Cerce on behalf of Creditor Wilkinsburg School District and Borough of Wilkinsburg jlc@mbm-law.net
Keri P. Ebeck on behalf of Creditor Ford Motor Credit Company LLC kebeck@weltman.com, jbluemle@weltman.com
Kevin Scott Frankel on behalf of Creditor Citibank, N.A., et al c/o Select Portolfio Servicing, Inc. pabk@logs.com
Kevin Scott Frankel on behalf of Creditor JPMorgan Chase Bank, National Association as servicer for Citibank, N.A. as Trustee for WaMu Asset-Backed Certificates, WaMu Series 2007-HE2 Trust pabk@logs.com
Mario J. Hanyon on behalf of Creditor CitiMortgage Inc. pawb@fedphe.com
Matt D. Urban on behalf of Creditor Ford Motor Credit Company LLC kebeck@weltman.com, jbluemle@weltman.com
Michael S. Geisler on behalf of Debtor Robert R. Epps m.s.geisler@att.net, msgeis@yahoo.com; michaelgeisler13@gmail.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com; pashcroft@ecf.courtdrive.com; pghecf@bernsteinlaw.com; dschimizzi@bernsteinlaw.com; acarr@bernsteinlaw.com; cabbott@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 15